

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

---

**YALE NEMERSON**  
and WILLIAM H. KONIGSBERG  
(08/297,581 and 08/473,262),  
Junior Party,

v.

**GENENTECH, INC.**  
(08/437,989 and 08/444,934),  
Senior Party.

---

Interference No. 105,134

---

Before TORCZON, MEDLEY, and POTEATE, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

**JUDGMENT--RULE 127**

In view of the decision in Paper 64, it is:

DECIDED that judgment on priority as to Count 1 is awarded against junior party Nemerson;

FURTHER DECIDED that junior party Nemerson is not entitled to a patent containing claims 15, 42, 43 & 45-48 of Nemerson's 08/297,581 application, which correspond to Count 1;

FURTHER DECIDED that junior party Nemerson is not entitled to a patent containing claims 29-31, 33, 34, 36-39 & 44 of Nemerson's 08/473,262 application, which correspond to Count 1; and

FURTHER DECIDED that a copy of Paper 64 and of this judgment be entered in the administrative record of Nemerson's 08/297,581 and 08/473,262 applications and of Genentech's 08/437,989 and 08/444,934 applications.

RICHARD TORCZON  
Administrative Patent Judge

SALLY C. MEDLEY  
Administrative Patent Judge

LINDA R. POTEATE  
Administrative Patent Judge

BOARD OF  
PATENT  
APPEALS AND  
INTERFERENCES

cc (electronic mail):

For Nemerson: **Patrea L. Pabst** of PABST PATENT GROUP LLP.

For Genentech, Inc.: **R. Danny Huntington** and **Sharon E. Crane** of BURNS, DOANE,  
SWECKER & MATHIS L.L.P.

**Notice:** Agreements and understandings regarding the termination of an interference are subject to filing requirements under 35 U.S.C. 135(c).

**Notice:** In the event of judicial review, note the requirements of Bd. R. 8(b).

**Desperтт, Sonja**

---

**From:** Desperтт, Sonja on behalf of Interference Trial Section  
**Sent:** Wednesday, November 24, 2004 5:26 PM  
**To:** 'Pabst, Patrea (PABST PATENT)'; 'Huntington, Danny (BURNS DOANE)'; 'Crane, Sharon (BURNS DOANE)'  
**Subject:** Interference No. 105134 (RT) Paper No. 64 (Decision on Priority) & Paper No. 65 (Judgment)



105134\_064.pdf



105134\_065.pdf